

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Xin XIE et al.

Application No.: 10/538,443

Filed: (Int'l) December 31, 2002

For: MAGNETISM BASED NUCLEIC ACID
AMPLIFICATION

Confirmation No.: 3904

Art Unit: 1637

Examiner: Stephanie K. Mummert, Ph.D.

**FIRST PRELIMINARY AMENDMENT AND REQUEST FOR CONTINUED
EXAMINATION**

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

INTRODUCTORY COMMENTS

This Preliminary Amendment accompanies a Request for Continued Examination (RCE) for the above-referenced application. A final Office Action was mailed on October 17, 2008, for which a response is due on January 17, 2009. A response was filed on December 12, 2008, and an Advisory Action was issued on January 6, 2009, refusing to enter the claim amendments set forth in said response. Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.